IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

CRP.No. 162 of 2007

AGAINST THE ORDER DATED 02/12/2006 IN EA.49/06,EA.363/05 IN EP.80/05 IN OS.125/2004 of PRL.M.C., KOCHI

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REVN. PETITIONER: PETITIONERS/CLAIMANTS

1. IYSHA, W/O. PRAKASAN,
THAIMADATHIL HOUSE, NARAKKAL,
NARAKKAL VILLAGE, KOCHI TALUK.

2. JAMEELA, D/O. ACHUTHAN,
THAIMADATHIL HOUSE, NARAKKAL, NARAKKAL VILLAGE,
KOCHI TALUK.

3. RAHUL,(MINOR), AGED 12, S/O. IYSHA,
THAIMADATHIL HOUSE, NARAKKAL,
NARAKKAL VILLAGE, KOCHI TALUK.

4. ANCHU, (MINOR), AGED 7, D/O. IYSHA,
THAIMADATHIL HOUSE, NARAKKAL, NARAKKAL VILLAGE,
KOCHI TALUK.

5. ATHIRA, (MINOR), AGED 7, D/O. IYSHA,
THAIMADATHIL HOUSE, NARAKKAL, NARAKKAL VILLAGE,
KOCHI TALUK.
(Minors 3 to 5 represented by their guardian and mother Iysha/1st petitioner)

BY ADV. SRI.P.K.JOSEPH

RESPONDENTS: RESPONDENT

SREENIVASAN, S/O. PADMANABHAN,
PULICKAL HOUSE, MANAJANAKAD, NARAKKAL VILLAGE,
KOCHI TALUK.

BY ADV. SRI.SABU GEORGE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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C.R.P.NO.162 OF 2007

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Dated this the 28th day of February 2007

ORDER

Petitioners are claim petitioners in E.A.49/06 in E.A.363/05 in E.P.80/05 in O.S.125/04 on the file of the Munsiff's Court, Kochi. Respondents have entered appearance. Counsel for respondent/decree holder submits when the matter is taken up for hearing that E.A.49/06 aforesaid was being dismissed for default and that the decree holder has no objection in having the petition filed by the petitioners being considered on merits.

In the result, allowing this CRP, I set aside the impugned order passed by the court below on 2.12.2006 on E.A.49/06 aforesaid and remit the matter back to the court below for adjudication after giving opportunity to both sides to adduce evidence. The E.A. shall be disposed of on merits positively, within three months from the date of receipt of a copy of this order, as it is submitted by both sides that steps are complete. In as much as the CRP is allowed, the sale shall stand adjourned till disposal of E.A.49/06 by the court below.

K.P.BALACHANDRAN, JUDGE

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